

D&F  
C/F

★ FEB 16 2006 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- X  
IN RE:  
HOLOCAUST VICTIM ASSETS  
LITIGATION

: Case No. CV 96-4849 (ERK)(MDG)  
: (Consolidated with CV 96-5161  
: and CV 97-461)  
:

----- X  
MEMORANDUM & ORDER

This Document Relates to: All Cases  
:  
:  
:  
----- X

KORMAN, Chief Judge:

I am in receipt of the January 24, 2006 Report and Recommendations of the Conference on Jewish Material Claims Against Germany, Inc. for the Twenty Third Group of Slave Labor Class I Claims in In re Holocaust Victim Assets Litigation (Swiss Banks) ("Twenty Third Claims Conference Report"). The Twenty Third Claims Conference Report advises that in accordance with the Plan of Allocation and Distribution of Settlement Proceeds ("Distribution Plan"), my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, the Claims Conference will be prepared on or about February 8, 2006 to begin to transfer payments to an additional 428 Holocaust survivors who are members of Slave Labor Class I, and to heirs of Holocaust survivors who are members of Slave Labor Class I in 1,497 cases.

I am advised that of the 428 Holocaust survivors described in the Twenty Third Claims Conference Report, 136 were approved for payment, for either (i) slave labor or (ii) forced labor with deportation or (iii) forced labor without deportation, under the German Foundation "Remembrance, Responsibility and the Future" ("German Foundation"). In addition,

another 40 were approved under the Austrian Reconciliation Fund, the companion Foundation to the German Foundation responsible for processing claims from survivors who were persecuted in certain places under Austrian control at the time of persecution. Finally, an additional 252 Holocaust survivors are known to be eligible under Slave Labor Class I based on their persecution history as documented under the Claims Conference Central and Eastern European Fund, administered under the authority of the German government.

I am further advised that all of the 428 Holocaust survivors described in the Twenty Third Claims Conference Report have established that they are Jewish, and/or were, or were thought to have been, Jewish at the time of persecution, thereby meeting the definition of being victims or targets of Nazi persecution, and satisfying the eligibility requirement for compensation under Slave Labor Class I.

With regard to payments to heirs, I am advised that 1,272 claims will be paid in the full amount at this time to the approved heirs. All of these heirs have been approved by the Claims Conference and the German Foundation. For an additional 225 claims, I have already approved payment under Slave Labor Class I for the Holocaust survivor and some or all of that payment can now be transferred to the appropriate heir. All of these heirs have been approved by the Claims Conference and the German Foundation.

I am pleased to note that inclusive of those referred to in this Order, 163,791 Jewish members of Slave Labor Class I and their heirs have been awarded a total of \$236,987,100.

Accordingly, in anticipation of the forthcoming distribution of \$1,450 to each of the newly approved 428 Holocaust survivors and 1,060 heir claims who comprise this Twenty Third group of recipients under Slave Labor Class I, it is hereby

ORDERED that the signatories to the Settlement Fund are hereby directed to transfer \$2,157,600 from the Settlement Fund to the Claims Conference escrow account to meet the projected distribution as described in the Twenty Third Claims Conference Report.

I will issue additional orders transferring further sums from the Settlement Fund as applications from other class members are approved.

Brooklyn, New York  
January ~~30~~, 2006

SO ORDERED:

s/Edward R. Korman  
Edward R. Korman  
United States District Judge